

REMARKS

The pending Office Action addresses claims 1-16 and 18-37, allowing claims 18-37 and rejecting claims 1-16. Reconsideration and allowance is respectfully requested in view of the following remarks.

Objections to the Drawings

The Examiner objects to the drawings as failing to show “the suture loops being fixedly disposed on the suture anchors.” As an initial matter, none of the pending claims recite suture *loops* that are fixedly disposed on the suture anchors. Moreover, any person skilled in the art would know how to fixedly attach a suture to a suture anchor. For example, a suture can be attached to a suture anchor by tying the suture to the anchor. This configuration is shown in FIGS. 1-5 of the present application. Fixedly attaching a suture to an anchor simply requires tightly tying the suture to the anchor. This technique would be obvious to one skilled in the art.

Rejection Pursuant to 35 U.S.C. §102

The Examiner rejects claims 1, 3, 4, 6, 12, and 16 pursuant to 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,143,017 of Thal (“Thal”). Applicants respectfully disagree.

Independent claim 1 recites a suture anchor system that includes a first suture anchor having at least a first suture attached thereto, a second suture anchor having at least a second, separate suture attached thereto, and a third, separate suture coupled to the first and second sutures. The first and second sutures are coupled to one another by the third suture such that a distance between the first and second suture anchors with respect to each other is selectively adjustable. Thal fails to teach or even suggest a suture anchor system having such features.

First, Thal does not teach first and second suture anchors being coupled to one another by a third suture such that a distance between the first and second suture anchors with respect to each other is selectively adjustable. As shown in FIG. 7 of Thal, each suture loop element (76, 70, 78) is merely one *continuous* loop. None of the elements include any features that would allow the distance between the first and second sutures to be *selectively adjustable*.

Second, Thal does not disclose a suture anchor system that includes first and second suture anchors. The Examiner asserts that the suture needles (80, 82) depicted in FIG. 7 of Thal

are capable of anchoring suture into tissue. As an initial matter, a suture *needle* is not equivalent to a suture *anchor* and one having ordinary skill in the art would not consider the two interchangeable. Needles are not capable of anchoring suture to tissue. A needle is merely a thin, elongate member having a sharp tip that is adapted to penetrate tissue. Needles can thread suture through tissue, but they cannot function as anchors because they simply do not have any features to enable them to do so. Moreover, the suture needles (80, 82) taught by Thal are part of *breakaway elements* (72, 74). As explained at col. 4, lines 60-64 of Thal, each breakaway element (72, 74) includes a suture (76, 78) and a needle (80, 82) and is used to pierce tissue and draw a free standing suture loop element (70) through the tissue during the attachment procedure. The needles (80, 82) *breakaway* once the suture loop element (70) is drawn through the tissue. The needles (80, 82) are not anchors – nor could they be, as they do not include any features unique to a basic needle that would facilitate attachment to the surrounding tissue or bone.

Accordingly, independent claim 1, as well as claims 2-17 which depend directly or indirectly therefrom, distinguish over Thal and represent allowable subject matter.

Rejection Pursuant to 35 U.S.C. §103

The Examiner rejects claims 2, 5, 7-11, and 13-15 pursuant to 35 U.S.C. §103(a) as being obvious in view of Thal. Applicants respectfully disagree.

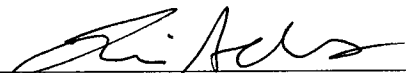
Claims 2, 5, 7-11, and 13-15 depend directly or indirectly from independent claim 1 which recites a suture anchor system as described above. As also explained above, Thal fails to teach or even suggest a suture anchor system having the features recited in claim 1. Thus, claims 2, 5, 7-11, and 13-15 are allowable at least because they depend from allowable base claim.

Conclusion

Applicants submit that all pending claims are now in condition for allowance, and allowance thereof is respectfully requested. The Examiner is encouraged to telephone the undersigned attorney for Applicants if such communication is deemed to expedite prosecution of this application.

Respectfully submitted,

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